

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

CONVOLVE, INC.	§	
	§	
V.	§	Civil Action No. 2:08-CV-244 (CE)
	§	
DELL INC.,	§	
WESTERN DIGITAL CORPORATION,	§	
HITACHI GLOBAL STORAGE	§	
TECHNOLOGIES, INC. and HITACHI LTD.	§	

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**July 21, 2011  
Jury Trial Day Four**

**OPEN: 8:28 a.m.**

**ADJOURN: 5:26 p.m.**

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ATTORNEYS FOR PLAINTIFF:	James Anderson
	Eric Albritton
	Marla Butler
	Stephen Edwards
	Tara Sharp
	Elizabeth Thomas
	Bryan Vogel

ATTORNEYS FOR DEFENDANTS:	Deron Dacus
	Eric Findlay
	Roger Fulghum
	Jeff Homrig
	Gene Schaerr
	Melissa Smith
	Kimball Anderson
	Doug Lumish
	Michael Smith
	Bruce Wessel
	David Schwarz
	Garland Kelley
	Joseph Lee
	Richard Birnholz
	Tom Werner
	Anna Halsey
	Chris Ponder

LAW CLERK:	Katrina Maher
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COURT REPORTER:	Shelly Holmes, CSR
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COURTROOM DEPUTY:	Jan Lockhart
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8:28 a.m. Court opened. Hearing outside the presence of the jury regarding various issues.

Mr. Vogel and Ms. Butler argued on behalf of Plaintiff. Mr. Lumish, Mr. Homrig and Mr. Wessel argued on behalf of Defendants.

8:40 a.m. Jury returned to the courtroom.

8:41 a.m. Mr. Kimball Anderson continued his examination of Dr. Van Liere.

9:04 a.m. Mr. Albritton conducted re-direct examination of Dr. Van Liere.

9:42 a.m. Mr. Anderson conducted re-cross examination of Dr. Van Liere.

9:51 a.m. Mr. Albritton conducted further re-direct examination of Dr. Van Liere.

9:53 a.m. Mr. Anderson conducted further cross examination of Dr. Van Liere.

9:54 a.m. Mr. Wessel conducted further examination of Dr. Van Liere.

The parties passed the witness.

10:02 a.m. Mr. Albritton called Dr. Greg Leonard to testify. Dr. Leonard was previously sworn and was examined under oath.

10:14 a.m. Morning recess.

10:40 a.m. Court opened. Jury returned to courtroom. Bench conference held.

10:44 a.m. Mr. Albritton continued his examination of Dr. Leonard.

11:04 a.m. Mr. Anderson conducted cross examination of Dr. Leonard.

11:17 a.m. Mr. Wessel conducted further cross examination of Dr. Leonard.

11:20 a.m. Bench conference.

11:23 a.m. Mr. Albritton conducted re-direct examination of Dr. Leonard.

11:25 a.m. Bench conference.

11:36 a.m. Mr. Anderson conducted re-cross examination of Dr. Leonard.

11:38 a.m. Mr. Albritton conducted re-direct examination of Dr. Leonard.

11:40 a.m. The parties passed the witness. Dr. Leonard was excused.

11:41 a.m. Mr. James Anderson called Bruce McFarlane to testify. Mr. McFarlane was previously sworn and was examined under oath.

12:01 a.m. Jury excused until 12:15 p.m. Court gave parties time and rulings.

12:04 a.m. Court adjourned.

1:26 p.m. Court reconvened.

1:27 p.m. Mr. Anderson continued his examination of Bruce McFarlane.

2:21 p.m. Mr. Dacus conducted cross examination of Mr. McFarlane.

3:14 p.m. Court afternoon break.

3:41 p.m. Court reconvened.

3:42 p.m. Mr. Dacus continued his cross examination of Mr. McFarlane.

3:50 p.m. Mr. Wessel conducted further cross examination of Mr. McFarlane.

4:25 p.m. Mr. Homrig conducted further cross examination of Mr. McFarlane.

4:45 p.m. Mr. Anderson conducted re-direct examination of Mr. McFarlane.

5:06 p.m. Mr. Dacus conducted re-cross examination of Mr. McFarlane.

5:10 p.m. Mr. Wessel conducted additional re-cross examination of Mr. McFarlane.

5:13 p.m. The parties passed the witness. Bench conference.

5:14 p.m. Convolve rested.

5:15 p.m. Jury excused for day.

5:16 p.m. Hearing outside the presence of the jury. Judgments as a Matter of Law to be heard on July 22, 2011.

5:26 p.m. Court adjourned.